

REMARKS

The reconsideration of presently solicited Claims 1 to 20 respectfully is requested. For the reasons indicated in detail hereafter, these claims are urged to define patentable subject matter which is not negated by the teachings of the prior publications that were cited in the Official Action.

Applicant has provided through empirical research a novel specifically defined thermoplastic composition that displays a highly advantageous combination of properties as discussed in Applicant's Specification. The claimed composition is capable of being molded to form a thin-walled product unlike many thermoplastic compositions. This characteristic advantageously combines the limited inclusion as specified of a liquid crystalline polymer, excellent mechanical strength, and advantageous heat resistance and flame retardance. All of these benefits in combination, unlike the prior art, are now provided by Applicant. It is contemplated that specific named ingredients be combined in specific concentrations in order to satisfy the parameters of Applicant's claimed combination. This is a contribution of Applicant (not the patentees of the cited prior patents) which constitutes an advance in the relevant area of technology and which is fully worthy of patentable recognition.

The continued rejection of Claims 1 to 20 as being directed to obviously apparent subject matter under 35 U.S.C. § 103(a) over the different and inadequate teachings of U.S. Patent No. 5,091,135 to Okada et al. in view of the different and inadequate teachings of U.S. Published Patent Application No. 2002/0151624 to Kobayashi would be lacking sound technical and legal bases. A thorough consideration of the reference teachings is urged to be in order, as well as a detailed

comparison of such teachings with the parameters of Applicant's specifically claimed contribution.

The Okada et al. primary reference concerns exclusively a melt-processable polyester composition wherein the resin component that is molded is either exclusively or primarily a relatively expensive aromatic polyester which is capable of forming an anisotropic melt phase. This component of Okada et al. corresponds to component (B) of Applicant's claims which on the contrary must be present in the presently claimed invention in a minor concentration of only "15 to 45 parts by weight" in combination with specific concentrations of other specifically defined ingredients. The teachings of Okada et al. do not concern the concept of the presently claimed invention wherein the primary resin component which is present in a concentration of "100 parts by weight" is a more common thermoplastic resin, which does not form an anisotropic melt phase, such as a polycarbonate (dependent Claim 7). See Paragraph No. [0008] of Applicant's Specification where other more common thermoplastic resins suitable for use in the present invention which do not form an anisotropic melt phase are exemplified and are discussed. It readily is acknowledged the Okada et al. at Col. 5, lines 7 to 22, indicates that other thermoplastic resins optionally can be incorporated in the liquid crystal polyester that is there contemplated. Such optional incorporation of another thermoplastic resin which does not form an anisotropic melt phase is never used in any of the working examples of Okada et al., and if ever implemented would always be in a minor concentration so as to not interfere with the patentees' stated objectives. This is not the concept of Applicant's presently claimed contribution where different stated objectives are achieved with the minimal utilization of an LCP.

Also, Okada et al. is totally lacking in the inclusion of a two component flame-retardant, (C-1) and (C-2) as presently claimed. This is acknowledged to Paragraph No. 8 (page 3) of the Official Action. In fact, Okada et al. does not discuss or suggest the inclusion of flame retardant of any description. The silicone is utilized by Okada et al. in the different composition there contemplated serves a stress relieving function, and there is no discussion of the desirability of including a flame retardant, and certainly no discussion of the inclusion of a two-part flame retardant in specific concentrations as presently claimed in the different composition of Applicant.

Kobayashi falls short of providing information that is capable of remedying the readily apparent deficiencies of the primary reference. It must be recognized from the title and throughout that Kobayashi concerns a polycarbonate resin composition which incorporates a phosphate-based flame retardant. Kobayashi never contemplates a composition which includes a liquid crystalline polymer in any concentration, and certainly not a composition wherein both a non-LCP and an LCP are present, with the non-LCP being in a larger concentration in combination with specific concentrations of other specifically defined ingredients.

In summary, even if the real teachings of Okada et al. and Kobayashi were combined, Applicant's specifically claimed contribution still would not be rendered obviously apparent in the absence of a reading of Applicant's Specification and advantageous results reported therein.

It respectfully is submitted that a *prima facie* case for the obviousness of the presently claimed subject matter respectfully is absent in the reasonably derived teachings of the references. To establish *prima facie* obviousness of a claimed invention, all of the claim limitations and their combination must reasonably be taught

or suggested in the prior art. They are not. See in this regard M.P.E.P. § 2142 and 2143 citing In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in the claim must be considered when judging the patentability of the claim against the prior art." In re Wilson, 424 F.2d 1342, 165 USPQ 494 (CCPA 1970). It is not sufficient as a matter of law that words can be found in different contexts by the Examiner after a reading of Applicant's teachings when they are not combined or reasonably suggested to be combined as claimed by the authors of the references. See also, KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007), where the U.S. Supreme Court stated that "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." See additionally, In re Rothermel et al., 47 CCPA 866, 125 USPQ 328, 331:

It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill of art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes. 35 U.S.C. §103 is very specific in requiring that a rejection on the grounds the invention 'would have been obvious' must be based on the subject matter as a whole at the time the invention was made.

The withdrawal of the 35 U.S.C. § 103(a) rejection is urged to be in order and respectfully is requested.

If there is any remaining point that requires clarification prior to the allowance of the application, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and resolved at a personal interview.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:

A handwritten signature in black ink, appearing to read "Benton S. Duffett, Jr.", written over a horizontal line.

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